

REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the following remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claims 1-24 are pending, with claims 1, 9 and 17 being independent.

Claims 1, 9, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent application publication no. 2002/0003897 to Tanaka, hereinafter *Tanaka*, in view of U.S. application publication no. 2004/0169664 to Hoffman et al., hereinafter *Hoffman*.

Paragraph [0004] of the present application states that it is a known technique to divide image data into line areas, unfilled closed areas, filled closed areas, and then to then treat each separately to achieve best results. The divided areas can overlap one another when reconstructed. Paragraph [0059] of the publication of the present application states that, after step S210, it is detected whether there are any overlapping parts existing among the separated areas. A description of a process for such is provided in paragraph [0059] and is omitted here for brevity.

To establish an overlaying sequence, the device of claim 1 includes an attribute recognizing part for recognizing at least attributes ***concerning whether each extracted image area is a filled closed area or an unfilled closed area***. A sequence setting part sets up an overlaying sequence for each image area in accordance with the recognition result of the attribute recognizing part. And, a file producing part produces the file by overlaying said image areas in accordance with the overlaying sequence set up by said sequence setting part.

In essence, a sequence for laying out the different areas on top of one another is established, at least in part, by taking into account attributes, and specifically ***attributes concerning whether each extracted image area is a filled closed area or an unfilled closed area.***

The present application describes a preferred exemplary example where the areas whose overlying sequence is "1", *i.e.*, filled closed areas 601 through 614 shown in Figure 19, are laid out first. Next, areas whose overlaying sequences are "2", *i.e.*, unfilled closed areas 501 through 504 shown in Figure 18, as well as line areas 701-704 shown in Figure 20, are laid out. Lastly, the areas whose overlay sequences are "3", *i.e.*, text image areas 801 through 804 shown in Figure 21, are laid out. As a result, the filled closed areas will never cover up unfilled closed areas and the line areas. Moreover, the text image areas will never cover up filled closed areas.

Tanaka is related to vector conversion of raster data to facilitate processing. The Examiner acknowledges that *Tanaka* does not disclose or suggest the subject matter mentioned above relating to the sequence setting part or the file producing part. Thus, an in depth analysis of *Tanaka* is omitted for brevity.

To overcome the deficiency of *Tanaka*, the Examiner relies upon *Hoffman*. In particular, the Examiner alleges that *Hoffman* teaches, among other things, a sequence setting part for setting up an overlaying sequence for each image area in accordance with the recognition result "of said attribute recognizing part". The Examiner cites paragraph [0060] of *Hoffman* for support. It is not clear from the Office Action if the alleged "attribute recognizing part" relates to the disclosure in *Tanaka* or the disclosure in *Hoffman*. However, the Office Action alleges that

Tanaka identifies an “attribute recognizing part” in the abstract of *Tanaka*, and the Office Action does not identify any such element in *Hoffman*. Accordingly, it is assumed that the “attribute recognizing part” is alleged to be in *Tanaka*. If this assumption is not correct, the Examiner is respectfully requested to clarify the rejection.

Tanaka does appear to recognize whether a particular image is a character, a graphic, photographic image, vector data, or an enclosed area, as suggested in paragraphs [0060] through [0071]. However, as acknowledged by the Examiner, there is no teaching or suggestion in *Tanaka* that a sequence setting part sets up an overlaying sequence for each image area in accordance with such recognition results.

Furthermore, the overlay sequence (48 in Figure 6) in *Hoffman* is set based on formatting properties (49 in Figure 6) that include style 50 and size 51. See paragraph [0061].

The Examiner alleges that “it would have been obvious to a person of ordinary skill in the art to set up overlaying sequence for image area and save into a file in the device of *Tanaka*”.

Although, *Tanaka* discloses a processing sequence (see paragraphs [0113], [0136], [0140], and [0161]), such sequences do not necessarily relate to an overlaying sequence. Furthermore, as set forth above, the overlay sequence (48 in Figure 6) in *Hoffman* is set based on formatting properties (49 in Figure 6) that include style 50 and size 51. Accordingly, if the Office Action is correct in that “it would have been obvious to combine *Hoffman et al.* with *Tanaka*” (presumably concerning an overlay sequence), then the overlay sequence would have been

based on formatting properties (49 in Figure 6) that include style 50 and size 51.

None of the references, either singly or in combination, teaches or suggests an overlay sequence based on ***attributes concerning whether each extracted image area is a filled closed area or an unfilled closed area.***

Accordingly, the applied prior art does not teach or suggest claim 1. Claims 9 and 17 are patentable at least for the reasons set forth herein with respect to claim 1.

Claims 8, 16, and 24 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanaka*, in view of *Hoffman*. Claims 8, 16, and 24 depend from claims 1, 9, and 17, respectively, and are thus also patentable at least for the reasons set forth above.

Claims 2, 3, 4, 5, 7, 10 – 13, 15, 18 – 21, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tanaka*, in view of *Hoffman*, and further in view additional secondary references. However, claims 2, 3, 4, 5, 7, 10 – 13, 15, 18 – 21, and 23 are dependent claims that depend from claims 1, 9, and 17. The secondary references do not overcome the deficiencies of *Tanaka* and *Hoffman* that are discussed above. Accordingly claims 2, 3, 4, 5, 7, 10 – 13, 15, 18 – 21, and 23 are patentable over the applied prior art at least for the reasons set forth above.

For the reasons stated above, it is requested that all the rejections and objections be withdrawn.

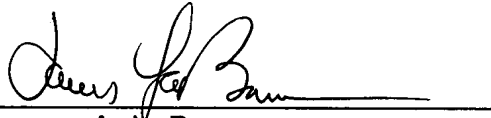
Should any questions arise in connection with the application, or should the Examiner feel that a teleconference would be helpful in resolving any issues, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 14, 2007

By:

A handwritten signature in black ink, appearing to read "James A. LaBarre", is written over a horizontal line.

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